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THE FERTILIZER TAX.

JUDGES BOND AND SEYMOUR DECIDE IT IS UNCONSTITUTIONAL.

And not Collectible by the State--The Text of the Opinion.

As is well known the State legislature some years ago passed an act levying a tax of $500 annually on each brand of fertilizers sold within the State. This tax has been collected for years, making an annual revenue of about $38,000 which money has been applied to the maintenance of the State Department of Agriculture, the Immigration Department, the Bureau of Labor Statistics and to the partial maintenance of the Agricultural and Mechanical College, etc.

Last year, a Richmond fertilizer company, through its attorney in this city, raised the question as to the constitutionality of this tax, and was about to bring a test suit, when learning that the farmers of the State favored the tax, they withdrew all protest and abandoned the suit.

Later the American Fertilizer company, of Norfolk, put its goods on sale in this State without paying the license tax of $500. The commissioner of agriculture immediately seized such of the company's goods as he could lay his hands on. This company at once raised the question of the constitutionality of the tax, and sued out an injunction in the United States circuit court to prevent the further seizure of goods until the matter should be settled, the injunction to hold if the tax should be declared unconstitutional. The commissioner moved for a dissolution of the injunction.

The case was argued in the circuit court here last June before Judges Bond and Seymour.

The commissioner was represented by the Attorney-General and Messrs. Battle and Mordecai, and the company by Col. John W. Hinsdale.

Judge Seymour sent in a decision in the case yesterday, which is concurred in by Judge Bond, and it sets forth that the license tax is unconstitutional.

The Opinion by Judge Seymour.

The plaintiff, a citizen and resident of Virginia, brings this suit against the board of agriculture of North Carolina, to perpetually enjoin the latter from enforcing against it the State tax on fertilizers. The act in litigation (The Code s. 2190, amended and re-enacted in the Senate of March 26, 1887) provides in section 7, of the last mentioned statute as well as in the act which it amends, brought forward in the Code, that no commercial fertilizers shall be sold or offered for sale until the manufacturer or importer obtains a license from the treasurer of the State for which shall be paid a privilege tax of five hundred dollars per annum for each separate brand.

The plaintiff alleges that it is engaged in the manufacture and sale of commercial fertilizers; that it has a large and profitable business in North Carolina, amounting annually to over twenty-five thousand dollars; that it has on hand in the State more than two thousand dollars worth of fertilizers; that defendants have under the pretext that they are subject to forfeiture for non payment of such tax, seized a car load of its fertilizers and threaten to seize all fertilizers which plaintiff had shipped or shall ship into the State, and that they will prosecute its agents for misdemeanor in selling its fertilizers without having obtained the license required by the statutes above cited, and aver that unless defendants are restrained, its business will be utterly destroyed, and it will be endamaged in a sum exceeding ten thousand dollars, and that its goods in excess of two thousand dollars will be seized by defendants under the provisions of such legislation.

Defendants by their answer admit the seizure of the fertilizer as alleged in the complaint, and aver that the cause of such seizure was the failure and refusal of the plaintiff to pay a license tax of five hundred dollars as required by the laws of the State. They also admit that unless restrained by this court, they will continue to make seizures and institute prosecutions against plaintiffs, agents, &c., and insist that the tax in question is valid, both as a tax on the trade of selling commercial fertilizers and further as a public regulation of the State.

The case has been argued at the present term on a motion made by defendant upon the pleadings to dissolve the injunction heretofore granted by the Circuit Judge.

At the outset it is claimed that the court has no jurisdiction on the ground that the amount in controversy is less than two thousand dollars. We do not think the subject of the controversy limited to the sum of five hundred dollars, the tax imposed. The tax is an annual one, and the value to plaintiff of the injunction cannot be measured by the tax of a single year. Moreover, plaintiff asks to be relieved from threatened penalties, and from interference with its business, illegal if this tax upon its brand is unconstitutional, the damage to result from which it places at a large sum. The court cannot, at this stage of the case, determine that such damages will be less than the sum required to give it jurisdiction. R. R. Co. vs. Ward, 2 Black 485 seems to us in point. It was an action brought for the abatement of a bridge as a public nuisance. To the objection that the damages sustained by plantiff were not sufficient to give the court jurisdiction, Catron J. says: "The character of the nuisance and the sufficiency of the damage sustained is to be judged by the courts. But the want of a sufficient amount of DAMAGE having been sustained to give the Federal courts jurisdiction will not defeat the remedy, as the removal of the obstruction is the matter in controversy and not the value of the object governed."

In the southern district of New York, a suit brought to restrain the maintenance of an awning over a part of Great Jones street, having been removed to the circuit court, a motion to remand was made on the ground that the matter in dispute did not exceed five hundred dollars. The court in denying the motion said: "The matter in dispute is the value of the right to maintain the awning; not the amount of damage done by it to the plaintiff. This appears to be more than $500. Whitman vs. Hubbell, 30 F. R. 81.

And in the same court in an action for infringement of a trade-mark, Wheeler J. says: "There would be difficulty in maintaining the jurisdiction, if the profits to be recovered were the measure of the orator's rights involved; but that is not so understood. An injunction may be of much greater value to the orator than any amount he may show himself entitled to, and it cannot be said now that such value may not exceed the limit required." Symonds vs. Green, 28 F. R. 834.

We are therefore of the opinion that the amount in controversy is not below that required to give jurisdiction.

The main question is, whether or not the tax is unconstitutional. No doubt a State may tax any person for the privilege of doing any particular business therein, unless prevented by some section of the constitution of the United States. M'Cullock v. Maryland, 4 Wheat., 316, 429. The contention of the plaintiff is, that it cannot be taxed under the provisions of the legislature above set forth because:

1. Such taxation infringes upon the rights of citizens of other States, and therefore violates article IV, section 2, of the constitution, which provides that "the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States:" and, also, Art. XIV, section 1, of the amendments to the constitution, which provides, among other things, that "no State shall make any law which shall abridge the privileges or immunities of citizens of the United States."

2. Because such taxation is an impost on imports, and therefore violates Art. I, section 10, of the constitution, which provides, among other things, that "no State shall, without the consent of Congress, lay any impost or duties on imports * * * except what may be absolutely necessary for executing its inspection laws."

3. Because such tax is an interference with the inter-State commerce, and therefore violates Art, I, section 8, which provides that the Congress shall have power "to regulate commerce * * * among the several States."

I. We do not find anything in the legislation in question which brings it within the inhibitions in either section 2 of article IV of the constitution, or in the fourteenth amendment thereto. No privilege with regard to the sale of commercial fertilizer seems given by the act to any citizen of North Carolina which is denied to the plaintiff, and unless this be attempted it could hardly be said it is deprived of any privilege or immunity it is entitled to under the constitution—within the meaning of these constitutional provisions.

II. Although the statute in question does not in word impose a tax on fertilizers imported into the State, but one on the privilege of selling or offering for sale only, it is not now admissible to argue that the latter is not equivalent to the former. That question was settled in Brown vs. Maryland, 12 wheat, 419. A statute of Maryland required all importers of foreign articles or other persons selling the same by wholesale to pay a license tax. The question was whether the imposition of such a tax was a violation of the two first mentioned provisions of the constitution. Marshall, C. J., in delivering the opinion of the Court defined "an impost as a tax levied on articles brought into the country," and held that a tax on the sale of an article is a tax on the article itself, and that a tax on the occupation of the importer was a tax on importations. The tax under consideration is a tax on the privilege of selling, that is, a tax levied and colleced in advance upon the occupation of selling commercial fertilizers. It is, therefore, a tax on the fertilizer. This case, however, differs from Brown vs. Maryland, (supra) for in that case the license was for selling foreign articles, and in this the articles sold are brought not from without the United States, but from the sister State of Virginia.

The question then arises whether or not the term imports, in Art. 10, Sec. 10 includes, as well, articles brought into one State from another as those imported from abroad. Marshall, C. J., in concluding the opinion in the last cited case, holds that it does. He says (Brown vs. Maryland, 12 Wheat. at p. 449) "It may be proper to add that we suppose the principle laid down in this case, to apply equally to importations from another State." The contrary is expressly held by Mr. Justice Miller delivering the prevailing opinion in Woodruff vs. Parham, 8 Wall 123, and implied by Taney, C. J., in in Pierce vs. New Hampshire, 5 Haw. 554. Both of these cases may be considered as overruled in Leisy vs. Hardin 135 U. S. The Original Package Law. Certainly the latter is. But whatever may be the result of the reasoning of the Chief Justice in Leisy vs. Hardin, it is nowhere said in his opinion that the term import applies to an article brought from one State to another. Were it not for the forcible argument of the prevailing opinion in Woodruff vs. Parham, we would not hesitate to say that the term import included, as Chief Justice Marshall evidently supposed that it did, goods brought from one State to another. Before the adoption of the constitution, therefore, at the time when it was framed and its phraseology discussed, an article brought from Pennsylvania to North Carolina would have been said to be imported into North Carolina, and a tax on it would have been called an import tax. It is difficult to say by what other name such a tax, if it could be levied, would be now styled. But, excepting the power of Congress to allow the levying by a State of a tax like the one under discussion, it is immaterial whether such a tax is an import tax or not, for beyond doubt if it be not a tax on imports, it is a tax on inter-State commerce.

III. It is therefore a violation of Art. 1. Sec. 8 of the constitution. Precisely the same reasoning and the same authority as that used in the preceeding paragraph, prove that a tax on the privilege of selling or offering to sell fertilizers bearing a particular brand and brought into North Carolina from another State, is a tax on commerce between the States. Being a tax on "commerce among the several States" the power to levy it must be denied to a State, on the reasoning of Marshall, C. J. in McCullugh vs. Maryland, which has ever since the rendition of that opinion been uniformly acquiesced in by the profession. It is there held that the power to tax involves the power to destroy, and therefore that its uncontrolled existence in the State is incompatible with the power of the Federal government to regulate such commerce. It may perhaps be said that the argument does not apply to a case where the taxation makes no attempt to discriminate injudiciously against the products of other States, and that such is the case with the statute SUB LITE. It is true that the North Carolina statute does tax all manufacturered fertilizer offered for sale in the State whether manufactured there or elsewhere, but as is said by Bradley, J. in Robbins vs. Shelby, Taxing District, 120 U. S. 189: "It is immaterial that no discrimination is made. * * * Inter-State commerce cannot be taxed at all, even though the same amount of tax should be laid on domestic commerce." The question of the equality of taxation is in terms excluded if we consider the statute from the point of view of section 10, for that says that NO TAX or imposts shall be levied. It seems equally immaterial with reference to section 8, for a tax must be a regulation of commerce if it in any degree has the effect of diminishing its volume; and that must necessarily be in a greater or less degree the result of any taxation on an article whether it be at a discriminating or at an equal rate. In either case it diminishes sales and therefore importation. The only commercial case in which the amount of importation would not be reduced would be, were a State to tax its own productions more largely than imported goods. But even that would be only an apparent exception. The import would still have the direct effect of checking importation, although the State tax on its own productions, having a still greater effect in reducing their consumption might rain rather than counteract the reduction of importations caused by the impost. Leaving, however, this view drawn from the express words of the constitution and returning to Judge Marshall's celebrated argument that the power to tax includes necessarily the power to destroy, and is therefore inconsistent with the power of the United States to preserve commerce between the States, it may be remarked that if the powers are given to a State to tax all imports from other States without control, provided equal taxation were levied upon the same articles if produced or made in the State, the State would practically have the power to prohibit the introduction of any article not made in the State. North Carolina might tax the importation of manufactured goods of certain grades, and Massachusetts that of cotton and tobacco. If this tax can be sustained, it is certain that a license tax in these words would be unconstitutional. "No manufactured cotton shall be sold, or offered for sale in the State, until the manufacturer or person importing the same shall first obtain a license therefor, &c., and paid a tax of five hundred dollars." A similar tax upon the different brands of tobacco might be levied in any State that does not manufacture tobacco. But it is needless to multiply illustrations which every one can supply for himself. It must be evident that a requirement of equality of taxation on the imported and home article would be no protection against such taxation as would seriously check, if it did not destroy, commerce between the States, and would impair, to the point almost of rendering its benefits nugatory, the domestic good results of the union of the States.

IV. Defendants contend that this taxation can be sustained as a part of the police power of the State. Without attempting what is perhaps impossible to accurately define what does and what does not come under the term police power, it is evident that the taxation in question does not come within the ordinary use of the phrase. "Unwholesome trades, operations offensive to the senses, the deposits of powder, the application of steam power to propel cars, the building with combustible materials, and the burial of the dead may all be interdicated by law in the midst of dense masses of population," Kent. Com. 2, 340—cited by Miller J. in the Slaughter House Cases 16 Wall 62.

This is called the police power. Ibid. If the legislature in question can properly be reformed to that power it will be because the right to pass inspection laws may deemed to have its foundation in the police power of a State. Certainly if it be anything but what the act itself seems to contemplete, a tax on an occupation or a privilege tax, it is because it is used to secure an inspection of the commercial fertilizer before they can be sold in North Carolina. Such a tax is constitutional, but only within the limits of the constitution. It can only be sustained to the extent that it is absolutely neeessary for the purpose of paying the expenses of inspection.

We think that in this case the court might judiciously take notice of the evident fact that five hundred dollars on a brand of commercial fertilizer is a much larger sum than can be necessary for such purpose. But the court is relieved from all embarrassment in this respect by the fact that the act in question declares by necessary implication that the tax is not needed for inspection expenses. In Sec. 22, five hundred dollars of the money received from the tax on fertilizers is appropriated to the N. C. Industrial Association, and in Sec. 23 forty one thousand dollars is given to pay the expenses of the department of agriculture, including $20,000 for the completure of the oyster survey, and "all other revenues arising from the tax on fertilizers shall be appropriated to the establishment of an Agricultural and Mechanical College.

The motion to dissolve the injunction is therefore denied.

VANCE AT RED SPRINGS.

THOUSANDS OF ENTHUSIASTIC PEOPLE HEAR HIS SPEECH.

It Was a Grand Speech Delivered to Men Who Love Him.

(Special to STATE CHRONICLE.)

RED SPRINGS, N. C., Aug. 15th.—SENATOR VANCE was received enthusiastically by thousands of admirers, and the mere announcement of his coming made the gathering at the Lumber River Industrial and Live Stock Association very large from this and adjoining counties. He was escorted to the Fair grounds by a large procession which marched to music.

His speech was devoted to a discussion of political and public questions, and he spoke with his usual clearness, force and ability. If there had been any doubt in any man's mind that the tax imposed upon agriculture through the medium of the tariff was burdensome and one of the reasons of the present agricultural depression, his talk would have dispelled that doubt. He showed that the manufacturers have been protected by enormous duties on foreign imports, many of which are absolutely prohibitory. The farmer is compelled to sell his surplus wheat, beef and cotton in free trade markets of the world, and is not allowed to buy his supplies in the same market. The result of this has beento impose a heavy tax upon the farmers, and this, together with the contraction of the currency, have brought about great distress, depression and compelled many to mortgage their farms.

Agricultural Depression.

He dwelt at length upon the causes of the depression of agriculture, the growth of monopolies, and the formation of trusts, and declared it to be a shameful truth that in the enormous growth of wealth in the last twenty years the farmers had not proportionately shared. He showed that all the evils were the result of Federal legislation, and were solely attributable to the Republican party.

The Sub-Treasury Bill.

He spoke of the regret it gave him not to be able to support the Sub-Treasury bill. He had given it serious consideration; was deeply impressed with the needs of the farmers, and anxious to relieve them; but he believed that the Sub-Treasury bill was unconstitutional and was in the direction of class legislation, and he could not support it. The only hope for the South lies in maintaining the constitution. It is our only safeguard and if we do not maintain it our liberties are all gone.

The Farmers' Alliance.

He said that for years he had been urging the farmers to organize, and to use their combined influence against class legislation, which has injured and taxed them for years. He urged the members of the Alliance to be conservative, to know their friends, and not to be misled. It was important that caution should be exercised in choosing leaders, and in taking extreme positions. Know your real friends, he said.

The People Love Him.

It was a grand speech, and everybody loves VANCE. T. M. ROBERTSON.

At Fayetteville.

Nowhere in NorthCarolina is SENATOR VANCE more greatly loved than in Cumberland county. Thursday night amid a great demonstration, with torches and tar barrels, SENATOR VANCE and AUDITOR SANDERLIN spoke to an enthusiastic crowd. AUDITOR SANDERLIN also spoke at Red Springs yesterday and delighted the people.

THE MARYLAND ALLIANCE.

The Meeting Made No Move In Regard to Politics.

[By United Press.]

BALTIMORE, Aug. 15.—The Maryland State Farmers' Alliacne adjourned today after installing the following officers for the ensuing year: President, Hugh Mitchell; Vice President, F. A. Benson; Secretary, J. C. Jenkins; Treasurer, Dr. Joseph H. Blandford.

The Alliance adopted a series of resolutions containing their views and setting forth their rights as citizens and agriculturists. The meeting made no definite move for or against any of the political parties, but it is quite likely that both leading parties will curry favor here as elsewhere.

A GREAT CLOUD BURST

At Colorado Springs---Two Lives Lost and Much Property Destroyed.

[By United Press.]

COLORADO SPRINGS, Col., Aug. 15.—One of the most disastrous rains which resulted in a cloud burst occurred in this city yesterday, and the result is that two lives are lost. The cloud came from the northwest. The damage will amount to $200,000 in the city and vicinity.

Welsh Railroad Strikers.

(By United Press.)

LONDON, Aug. 15.—The morning papers generally regard the result of the Welsh railroad strikes as a marked triumph for the men. The Times and the Standard bitterly upbraid the employes for granting concessions and mournfully deplores the progress of trades unionism.

An Editor Tarred and Feathered.

[By United Press.]

AZUSA, Cal., Aug. 15.—J. M. Bentley, editor of the News, was yesterday taken out by armed men and tarred and feathered for publishing an article reflecting on the conduct of Miss C. E. Frazier, while teacher of the Azusa grammar school. The parties implicated are being arrested.

THE NATIONAL CONGRESS.

Some Appropriations for North Carolina Rivers and Creeks---The House Struggling to Secure a Working Quorum--Trying to Revoke Leaves of Absence--Filibustering and Foolishness.

(By United Press.)

WASHINGTON, Aug. 15.—The tariff bill was laid aside in the Senate this morning, and on motion of Mr. Frye the river and harbor bill was taken up.

Mr. Hampton having asked Mr. Frye to allow him to have a bill taken up for action, Mr. Frye excused himself for declining to do so, and said that he had asked the finance committee to let him have two days for the consideration of the river and harbor bill, to-day and to-morrow, and that he should ask the Senate to remain in session to-morrow until the bill was finished.

The bill was considered all day. Among the amendments agreed to were the following:

Increasing appropriations for York river, Va., from $20,000 to $30,000, and great Kanawha river, Va., from $20,000 to $34,000. Reducing appropriations for Nansemond river, Va., from $10,000 to $7,500 and for Hampton creek and Bar, Va., from $10,000 to $5,000. Increasing the appropriations for Little Kanawha river from $15,000 to $45,000, and making it read "to complete the projected dam and lock; increasing the appropriation for Cape Fear river at and below Wilmington, N. C., from $100,000 to $200,000; for Contentnea Creek, N. C., from $5,000 to $7,000; for Neuse river up to Smithfield, N. C., from $12,000 to $20,000, and for Mackey's creek, N. C., from $10,000 to $15,000," inserting an item of $3,000 for Pasquotank river, N. C.

House.

The House took up the conference report on the Indian appropriation bill. Mr. Cannon, of Illinois, severely criticized and opposed the report.

Mr. Springer moved to re-commit the Indian bill, but the motion was lost, 42 to 102.

A number of motions were made and ruled out as dilatory.

The McKay relief bill was taken up. The vote in the passage of the bill was 77 to 50, but no quorum appeared, and the rest of the afternoon was spent filibustering over a resolution offered by Mr. Thomas, of Wisconsin, directing the Sergeant-at-Arms to arrest absent members.

Mr. Baker, of New York, created some little excitement by offering as a substitute a resolution reciting the editorial appearing in the New York Sun of this morning, upon the declaration of Roger, Q. Mill, of Texas, that "this (Washington) is no place for me."

Mr. Baker declined to accept the Speaker's suggestion that he withdraw it, but he finally withdrew the preamble. The resolution was read in spite of protests. It revokes all leaves of absence except those granted to R. Q. Mills and others employed like him in an educational campaign.

The Speaker disregarded the Baker resolution on which the House wasted time, until 5 p. m., when a recess was taken until 8 o'clock, the evening session to be devoted to private pension bills.

AN EXCURSION TRAIN WRECKED

Two Engineers and a Tramp Killed--Miraculous Escape of Passengers.

[By United Press.]

PITTSBURG, Pa., August 15.—At 10 o,clock last night the Atlantic express, No. 1, on the Baltimore & Ohio R. R., carrying a large excursion party en route to Atlantic City, ran into a huge pile of railroad ties and rails piled upon the track at Osceola station, ten miles from Pittsburg. The engine and baggage car were thrown fifty feet over the embankment. The remainder of the train, consisting of nine sleeping cars, were all thrown from the track and upon their sides. The escape of the occupants from fatal injury was miraculous. Only four of the passengers were injured, andt hey but slightly. Engineer Yank Sullivan and a friend Robert Goodwin, also an engineer, who was riding on the engine, and a man named Hirsch, who was stealing a ride on the front of the baggage car were instantly killed.

The Republican Congressional Campaign Committee.

[By United Press.]

WASHINGTON, Aug. 15.—The Republican Campaign committee yesterday completed its organization by electing T. C. Carter, of Montana, secretary, and Edward C. O'Brien, of New York, treasurer.

After September 1st, Mr. Clarkson, who expects to resign the First Assistant Postmaster-Generalship, will take joint charge of the campaign as chairman of a sub-committe of the Republican national committee appointed for that purpose. The management of the canvass for the next House of Representatives will accordingly fall upon Mr. Belden, Mr. Carter and Mr. Clarkson.

MISS MEISLER, OF CHARLOTTE,

Who Eloped With a Married Man---Arraigned and Fined.

[By United Press.]

MANCHESTER, N. H,, Aug. 15.—Chas. G. Lamoine, of Cincinnati, and Miss Corrine Meisler, of Charlotte, N. C., the eloping couple who were arrested on complaint of Lamoine's lawful wife, were arraigned to-day. Lamoine was held in $500 for the Supreme court, and Miss Meisler, or Mme. Deane, was fined $19.62.

Mine Fires Still Raging.

[By United Press.]

SCOTTDALE, Pa., Aug. 15.—Fire still rages in the Hill Farm mines where the fire damp explosion occurred a short time ago and killed thirty one men.

THE RAILROAD STRIKE.

It is Not Over--A Tie up of the Whole Vanderbilt System Probable---The Knights of Labor Taking a Hand in the Fight--There May be Arbitration.

[By United Press.]

NEW YORK, Aug. 15.—Master Workman Lee of district 246, was seen at the Sherman House to-day. He said that when the executive board arrived they would take the management of affairs out of the district committee's hands and run it themselves. Lee referred to the fact that the executive board had tried all day yesterday to communicate with him, and failed, and said that any number of letters and telegrams that should have come to his hands had never reached them. All this he attributes to Pinkerton's men, employed by the railroad company. Mr. Powderly, it is expected, will reach here to-night. In the meantime, matters will remain as they are. At the headquarters of the strikers in this city the fact that the executive officers of the Knights of Labor had at last decided to take an active part in the struggle, gave renewed encouragement to the men, who expect great results. They declare that it is more than likely that the Knights employed on the whole Vanderbilt system will be ordered out unless some sort of a settlement is reached by the company and the general executive board. On its arrival the latter body will hold a conference with the district leaders to thoroughly learn the situation of affairs. This accomplished, it is understood the executive board will call upon Third Vice-President Webb, and offer to submit the whole matter to arbitration. If this proposition is declined, it is claimed the executive board will order a tie up. Chief Inspector Byrnes has withdrawn many of the police detailed at the outset of the trouble to preserve order and protect the company's property.

TWO DETECTIVES KILLED

By a Car--While Aiding the Railroad Company in the Strike--Great Excitement Caused by the Occurrence---No Freight Being Moved.

(By United Press.)

ALBANY, N. Y., Aug. 15.—Two of the Pinkerton detectives at West Albany met a horrible death at an early hour this morning. They were aiding in getting out some freight cars when one of the engines backed down the car upon them. Both men were caught by the bumpers and killed. The news quickly spread through the city that strikers had killed these men, and an immense crowd soon gathered.

The road has not moved any freight since last night, but is now shifting a few cars. The B. & A. railroad refused a consignment of eastern bound freight from the Central this morning, and it is thought that road will not take the risk of a strike on their hands, as they know that their men are well organized and ready to go out on any provocation.

STEALING SEALS.

Only a Few Years Before Seals Will be Extinct.

[By United Press.]

SAN FRANCISCO, Cal., Aug. 15.—Capt. Erskine, of the steamship, St. Paul, which arrived yesterday from Ounalaska says the poachers at Victoria during the past year have secured 20,000 seal skins; and in consequence the North American Commercial company, which leases the seal rookeries from the government finds its take reduced to 20,000 skins. The captain says it is only a matter of a few years when seals will become extinct. At Ounalaska it was reported there were fifty-five poaching vessels at Sand Point on their way to Behring sea, and that not a single attempt has been thus far made to interfere with any of these contraband vessels.

COLONEL STEELE'S LETTER.

About Judge Whitaker and the Anonymous Circular--Was Not Authorized by Judge Whitaker.

[Special to STATE CHRONICLE.]

ASHEVILLE, N. C., Aug. 15.—The letter of Col. Walter L. Steele to the STATE CHRONICLE unintentionally mistakes my private conversation with him. Neither he nor any other person is authorized to speak for me.

SPIER WHITAKER.

THERE'S MILLIONS IN IT.

An Oil Well Which Flows One Thousand Gallons per Hour.

(By United Press.)

FINDLAY, Ohio, Aug. 15.—Harris, Wolfe and Davis drilled in an oil well north of the city which is without doubt the greatest producer ever struck. It flowed over 1,000 barrels the first hour and up to six o'clock last evening the production was 6,340 barrels, the first flow beginning at eleven o'clock yesterday morning.

Weldon Ahead at Base-Ball.

[Cor. of STATE CHRONICLE.]

WELDON, N. C., Aug. 15.—The game at Garysburg yesterday, between Garysburg and Weldon, resulted in a victory for Weldon. Score, 22 to 13.

This is Weldon's fifth engagement, and her team has scored a victory every time. It was defeated only once last year.

The editor of this paper spent several days at Stokes court last week and it gives us pleasure to state that Judge McCorkle was winning golden opinions from everyone in attendance. He is an attractive, finished gentleman of the old school; is a thorough lawyer, discriminates unusually accurately, and is firm and decided, yet polite and courteous.—Webster's Weekly.